

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

VS.

AFFIDAVIT OF STANDING
19-CR-106-LJV-MJR

JEFFREY RICHARDS

Defendant

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

JEFFREY RICHARDS, duly deposes and says that:

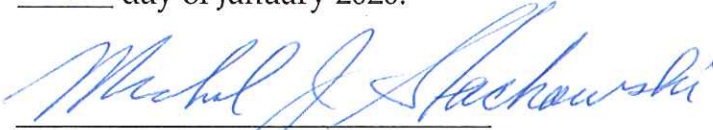
1. I am the Defendant in an indictment for possession with the intent to distribute a mixture containing acetyl fentanyl, fentanyl, cocaine marijuana and alprazolam and possession with intent to distribute fentanyl, possession with intent to distribute cocaine, possession with the intent to distribute marijuana, possession with intent to distribute alprazolam, maintaining a drug involved premises, manufacturing controlled substances, making a destructive device, possessing a destructive device (two counts), possession of a firearm in furtherance of drug trafficking, and possession of a stolen firearm.
2. In this regard it involves two separate and distinct incidents.
3. The first incident is it lacks probable cause for the search warrant for the premises known as 4 Packard Court, Apartment D, Niagara Falls, New York. There is no substantive evidence that Jeffrey Richards is a white supremacist or for bomb making purposes and that material which was represented to the FBI by confidential sources lacks reliability.

Moreover, when Judge Roemer had the opportunity to issue a search warrant for the residence on December 14, 2018, he did so on the basis of an application of the FBI which was based on confidential informants who did not demonstrate the requisite reliability requirement necessary for their information to be utilized to obtain a search warrant.

4. Moreover, there was a search incident to the arrest and at which time I was asked to exit the vehicle and was patted down. I was then placed under arrest and placed in a police vehicle. The police then searched my automobile.
5. After making the requisite safety pat down, the police entered my vehicle and discovered a firearm.
6. It is respectfully submitted that both the house and the automobile are places for which a reasonable degree of privacy exists within the person who controls it.
7. As the driver of the automobile, I had full control over the vehicle and once I exited it and was patted down, the search of my automobile was no longer a search incident to arrest.
8. For the police to search the vehicle, they would have had to obtain a search warrant for the vehicle itself.
9. After I was arrested, I was taken to the FBI area and questioned. Because of some of the illegal nature of the search of my premises and the search incident to arrest, it is respectfully submitted that the interview is the fruit from the poisonous tree. I had a reasonable expectation of privacy throughout my arrest and for my residence. I therefore have standing to contest the searches at my residence and the underlying search warrant as well as the search incident to arrest when my vehicle was stopped.


Jeffrey Richards

Sworn to before me this
3 day of January 2020.


Notary Public

MICHAEL J. SACHAWSKI
Notary Public
Commission Expires January 31 2023